IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 9253 of 2004(B)

PETITIONER:

C.M.FAIZI,
SALES TAX OFFICER (RETD.), RESIDING AT
MATHA VILAKOM, EDAVA P.O., VARKALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.P.M.JOSEPH

RESPONDENTS:

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1. SECRETARY TO GOVERNMENT,
TAXES (D) DEPARTMENT, SECRETARIAT, STATUE,
THIRUVANANTHAPURAM.

2. COMMISSIONER OF COMMERCIAL TAXES,
OFFICE OF THE COMMISSIONER OF COMMERCIAL TAXES,
THIRUVANANTHAPURAM.

ADDL. R3

THE DEPUTY SUPDT. OF POLICE
VIGILANCE & ANTICORRUPTION BUREAU
KOTTAYAM

(ADDL. R3 IS IMPLEADED AS PER ORDER DT. 28.3.2007 IN W.P(C)}

R1 & 2 BY GOVERNMENT PLEADER SHRI. P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE ORDER GRANTING PENSION BY THE 2ND RESPONDENT ON 5.4.2003

EXT.P2: -DO- OF THE COMMUNICATION BEFORE THE 2ND RESPONDENT DT. 28.6.2003

EXT.P3: -DO- OF THE COMMUNICIATIONN INTIMATING THE 2ND RESPONDENT BY THE DEPUTY COMMISSIONER

EXT.P4: -DO- OF THE REPRESENTATION TO THE 1ST RESPONDENT ON 4.8.2003

EXT.P5: -DO- OF THE G.O(P) NO: 185/2002 DT. 27.3.2002

jj /TRUE COPY/

P.A.to Judge

V. GIRI ,J.

WP(C).NO.9253 of 2004

Dated this the 13th day of November, 2007

JUDGMENT

Petitioner is aggrieved by the non-disbursal of DCRG due to him in spite of the fact that he retired from service on 28.2.2003. The reason given for withholding the DCRG is the registration of the vigilance case against the petitioner. It is now submitted that vigilance enquiry has been completed and the Director of Vigilance and Anti-Corruption Bureau has submitted a report before the government. Further action on the report has not been taken by the government so far.

2. No liability as such has been fixed against the petitioner within a period of three years from the date of retirement. In the circumstances, it may not be possible for the government to continue to withhold the DCRG. The writ petition is therefore disposed of directing the second respondent to take appropriate action and disburse the DCRG due to the petitioner, within a period of one month from the date of receipt of a copy of this judgment. It is made clear that this will be without prejudice to the right of the government to take appropriate steps for recovery of any loss that may have been occasioned to the government by the petitioner.

V. GIRI, JUDGE

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